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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,508	01/14/2004	Stephen K. Herron	D/A2329	6131
7590	06/30/2005		EXAMINER	
Ortiz & Lopez, PLLC P.O. Box 4484 Albuquerque, NM 87196-4484			CHAU, MINH H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/758,508	HERRON, STEPHEN K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh H. Chau	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 10-20 is/are allowed.  
 6) Claim(s) 1 is/are rejected.  
 7) Claim(s) 2-9 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 01/14/2004.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. **Claims 3-5, 10-11 and 19** are objected to because of the following informalities:

There is an extra semicolon after the term “indices” (line 9 of claim 10) that needs to be removed.

There is insufficient antecedent basis for the following recitation:

**In claim 3:** Line 5: “said plurality of marks”

**In claim 4:** Line 6: “said plurality of locations”

**In claim 5:** Lines 6-7: “said plurality of marks”

**In claim 10:** Lines 2 and 12: “said at least one mark”

Lines 5 and 8: “said multiple-device printing environment”

Line 7: “said plurality of printers”

Line 5, “said multiple-device printing environment”

Line 10: “said at least one printer”

Lines 13, 14 and 5, “said at least one mark”

**In claim 11:** Line 5: “said linker”

A missing phrase needs to be inserted between the language “*The system of claim 11*” and “*module places at least one mark*” in line 1 of **claim 19**.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 11** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation “said linker thereafter automatically and dynamically rends at least one mark upon said print job” is inferentially recited.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Leong et al. (US # 6,687,018).

With respect to **claim 1**, Leong et al. teach a method for distributing print jobs comprising identifying at least one printer among a plurality of printers in a multiple-device printing environment for rendering a print job (col. 6); and automatically and dynamically rendering at least one mark upon said print job based on a required resource of the at least one printer among the plurality of printers within the multiple device printing environment during an imposition of the print job (cols. 7-8).

***Allowable Subject Matter***

6. **Claims 2-9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claims 10-20** are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter and a statement of reasons for allowance:

**Claim 2** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of establishing a database comprising the at least one mark and a plurality of marks thereof, and each mark thereof is associated with a particular index.

**Claim 3** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of establishing a directory of associations between at least one printer among the plurality of printers and indices thereof, and each index among the indices is associated with a particular mark among a plurality of marks.

**Claim 4** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of establishing a database of location descriptions of each mark renderable upon at least one print job associated with each printer among the plurality of printers, and implementing indices thereof, and each index among the indices is associated with a particular location among the plurality of locations.

**Claim 5** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of automatically searching for a location coordinate associated with the at least one mark utilizing the linker; dynamically determining at least one mark from among the plurality of marks and embedding at least one mark into the print job.

**Claim 6** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of placing at least one mark upon at least one page associated with the print job.

**Claim 7** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of placing at least one mark upon at least one press sheet associated with the print job.

**Claim 8** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of placing at least one mark upon at least one page and at least one press sheet associated with the print job.

**Claim 9** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method including the step of the at least one mark comprises at least one of the following: a cut mark, a fold mark, a registration target, a density control strip, a slur star, and an administrative description.

**Claim 10** has been indicated for allowance because the prior art fails to teach the entire combination of a method including the step of establishing a database of location descriptions of each mark renderable upon at least one print job associated with each

printer among the plurality of printers, each location is associated with a particular index among indices, and providing a linker which receives a name associated with the at least one printer and automatically searches a directory of indices for a location coordinate associated with the at least one mark utilizing the linker, the linker thereafter dynamically reads the at least one mark from among the plurality of marks maintained within the database comprising at least one mark and a plurality of marks thereof and embeds the at least one mark into the print job.

**Claim 11-20** have been indicated for allowance because the prior art fails to teach the entire combination of a system including a database comprising a plurality of marks for use in rendering a print job within a multiple-device printing environment; and a linker thereafter automatically and dynamically rends at least one mark upon the print job based on a required resource of the at least one printer among the plurality of printers within said multiple-device printing environment during an imposition of the print job.

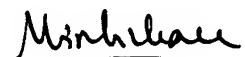
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the patents to Imai et al. (US # 6,254,290), Owa et al. (US # 6,348,971), Brewster (US # 6,809,841) and Nihei (US # 6,891,634).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MINH CHAU  
PRIMARY EXAMINER

MHC  
27 June 2005